



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,875	12/21/2001	Ricky William Barnett	4925-152	1013

7590 04/29/2004
COHEN, PONTANI, LIEBERMAN & PAVANE
551 Fifth Avenue, Suite 1210
New York, NY 10176

EXAMINER	
CHIANG, JACK	
ART UNIT	PAPER NUMBER

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027875

Applicant(s)

Barnett

Examiner

J. Chiang

Group Art Unit

2642

#5

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12-21-01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5, 7-11, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiesinger (US 4403712).

Regarding claim 1, Wiesinger shows:

A first part (1);

A second part (2);

An elastic sheet (5) having first end fixed to the first part (1), a second end fixed to the second part (2);

A longitudinal axis (12);

The elastic sheet (5) being foldable transversely (4) of the longitudinal axis so that the first part (1) is pivotal with respect to the second part (2);

The elastic sheet (5), when folded transversely of the centerline (4), loading the first part (1) away from the second part (2) toward a longitudinally unloaded position of the sheet (col. 3, lines 6-9).

Art Unit: 2642

Regarding claims 2, 4-5, 7-11, 16, Wiesinger shows:

The sheet (5) is uniformly curved transversely of the centerline at both of the first and second ends;

The first and second parts (1-2) having a central plane (see 12 in fig. 3), and the first and second ends (from 5) are fixed with respect to the central planes (12 in fig. 3) at first and second angles (i.e. open, close) to the centerline, the angles being determinative of the angle between the central planes when the sheet (5) is in the unloaded position (fig. 3);

The sheet (5) is in the longitudinally unloaded position, the first end oriented about 180 degrees from the second end (see fig. 1);

The first and second angles can be between 15-30 degrees (with respect to a line bisecting 5 in fig. 1a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiesinger in view of Kato et al. (US 6547575).

Regarding claims 3-6, 12-15, Wiesinger shows a hinge.

Art Unit: 2642

Wiesinger differs from the claimed invention in that it does not explicitly show the application of the hinge in the phone environment, including printed circuit element embedded between layers of sheet, and the slot for the hinge.

However, Wiesinger does suggest that the hinge can be used for electronic appliance which is generic for phones, and the hinge can be made independently and assembled with the product (col. 3, lines 10-17 in Wiesinger). Further, Kato, in a computer/phone, shows a resilient hinge which has printed circuit element embedded between layers of sheet (figs. 11-12), and slots (see 79, 81 in fig. 5) for receiving the sheet.


Hence, the concept of providing a elastic hinge is well taught by Wiesinger, it would have been obvious for one skilled in the art to apply Wiesinger's hinge design to the electronic environment, such as phones, as suggested by Wiesinger or taught by Kato.

As Wiesinger's hinge is used in the electronic environment, it is commonly seen that flexible printed circuit needs to run through the hinge as taught by Kato in order to electrically connecting parts together. This simply can be considered as an intended use of Wiesinger's hinge and would be obvious for one skilled in the art as Wiesinger suggests that the hinge can be used with electronic products (col. 3, lines 10-17 in Wiesinger).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack Chiang
Primary Examiner
Art Unit 2642